

Application Serial Number 10/071,405
Response to Office Action
Dated April 5, 2006

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1. REMARKS/DISCUSSION OF ISSUES

Objection to the Specification

Applicants have reviewed the objections to the Specification for failure to provide headings. Applicants respectfully decline to add these headings as these are not required under MPEP § 608.01(a).

Rejections Under 35 U.S.C. § 102

Claims 1-4 and 7-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Shiffman, et al.* (U.S. Patent 6,424,732). For at least the reasons that follow, Applicants respectfully submit that this rejection is improper and should be withdrawn.

A proper rejection of a claim under 35 U.S.C. § 102 requires that a single prior art reference disclose each element of the claim. See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. See, e.g., *In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. See, e.g., *Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d

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1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. See, e.g., *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991). (Emphasis added in each instance.)

Claim 1 is drawn to a method of processing images to identify regions of interest within a multi-dimensional data set. Claim 1 features, inter alia, "reconstructing a slice through the multi-dimensional data set along a cut plane through the multi-dimensional space such that the direction of the cut plane has a component in the direction of succession"

Thus, one aspect of claim 1 includes reconstructing a slice via a data set. Claims 7 and 8 include similar features.

By contrast, the reference to *Shiffman, et al.* lacks at least the disclosure of this feature of claims 1, 7 and 8. Notably, the reference to *Shiffman, et al.* is drawn to segregating selected object images from images containing a collection of object images to remove background artifacts and image leaks. (Kindly refer to column 1, lines 1-11 of the applied art.)

In the rejection, the Examiner relies on column 8, lines 15-17, asserting that the reconstructing a slice is disclosed at this portion of *Shiffman, et al.* However, the noted portion of *Shiffman, et al.* describes slicing an image volume into parallel 2-dimensional planes, which are shown in Fig. 9. While the slicing of the image volume may

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be provided, the reconstructing of the slice is not disclosed.

Because the reference fails to disclose at least one feature of each of the independent claims, a prima facie case of anticipation cannot be made based on *Shiffman, et al.*

For at least the reasons set forth above, Applicants respectfully submit that claims 1, 7 and 8 and the claims that depend therefrom are patentable over the applied art.

Rejections Under 35 U.S.C. § 103

Claims 5 and 6 were rejected under this section of the Code in view of *Shiffman, et al.* and *Han, et al.* (U.S. Patent 5,457,754). While in no way conceding to the propriety of this rejection, Applicants respectfully submit that claims 5 and 6 are patentable at least because of their dependence on patentable independent claims.

Conclusion

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

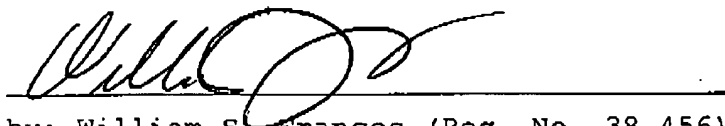
If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238

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for any additional fees, including, but not limited to, the fees under 37 C.F.R. \$1.16 or under 37 C.F.R. \$1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
Phillips Electronics North America Corp.



by: William S. Francos (Reg. No. 38,456)

Date: October 5, 2006

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